

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION**

IN RE:

Clyde Andrew Porter,

\_\_\_\_\_  
Debtor. /

Case No.: 3:18-bk-31267-SHB

Chapter 13

Judge: Suzanne H. Bauknight

**OBJECTION BY CREDITOR TO CONFIRMATION OF PLAN**

**COMES NOW** Nationstar Mortgage LLC d/b/a Mr. Cooper as servicer for U.S. Bank National Association, not in its individual capacity but solely as Trustee NRZ PASS-THROUGH TRUST X (“Creditor”), by and through counsel, and files this written Objection to Confirmation of Debtor's Proposed Chapter 13 Plan pursuant to 11 U.S.C. § 1324 and Bankruptcy Rule 3015(f), and as grounds therefor states:

1. Creditor is a secured creditor holding a secured claim against the real property located at 1706 Lamb Road, Maryville, TN 37803. The amount of the claim as of the date of filing will be set forth in Creditor's Proof of Claim.
2. Creditor's estimated secured pre-petition arrearage at the time of filing of the Petition is \$19,688.08 which is substantially higher than the amount scheduled, and will be more fully set forth in Creditor's Proof of Claim.
3. The plan contains an incorrect monthly payment amount of \$606.00. The May 2018 ongoing mortgage payment is in the amount of \$946.12.
4. The Debtor is not personally obligated on the subject home mortgage loan.
5. The Debtor's schedules do not indicate the ability to fund a plan with the proper

amounts.

6. The Debtor has been involved in the following unsuccessful bankruptcy cases:

1. Case No. 13-30534; Filed 02/19/2013; Dismissed 06/23/2015

2. Case No. 17-31787; Filed 06/07/2017; Dismissed 01/11/2018

7. The proposed Chapter 13 Plan does not comply with 11 U.S.C § 1325 and 11 U.S.C § 1322 and is not accepted by Creditor.

**WHEREFORE**, Creditor respectfully requests that this Honorable Court decline Confirmation of Debtor's proposed Plan and grant such further and other relief as is just.

Respectfully submitted,

/s/ Theodore K. Cummins

Theodore K. Cummins (TN Bar #24381)

Sharon N. Fewell (TN Bar #019193)

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*Counsel for Creditor*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the parties on the attached Service List by electronic service and/or by First Class U.S. Mail on this the 3rd day of May, 2018.

/s/ Theodore K. Cummins  
Theodore K. Cummins (TN Bar #24381)  
Sharon N. Fewell (TN Bar #019193)  
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**SERVICE LIST (CASE NO. 3:18-bk-31267-SHB)**

Via U.S. Mail:

***Debtor***

Clyde Andrew Porter  
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Via ECF:

***Counsel for Debtor***

Zachary S. Burroughs  
Clark & Washington, LLC  
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***Trustee***

Gwendolyn M Kerney  
Chapter 13 Trustee  
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